

# **EXHIBIT I.21**

1           IN THE UNITED STATES DISTRICT COURT  
 2           FOR THE EASTERN DISTRICT OF OHIO  
 3           EASTERN DIVISION

4                               -   -   -

5   IN RE:   NATIONAL               :   MDL NO. 2804  
       PRESCRIPTION OPIATE       :  
 6   LITIGATION                    :

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7                                       :   CASE NO.  
      THIS DOCUMENT               :   1:17-MD-2804  
 8   RELATES TO ALL CASES:

                                     :   Hon. Dan A.  
                                      :   Polster

10                               -   -   -

                          Friday, August 3, 2018

11                               -   -   -

12   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
      CONFIDENTIALITY REVIEW

13                               -   -   -

14                               Videotaped deposition of  
      CHRISTOPHER ZIMMERMAN, taken pursuant to  
 15   notice, was held at the law offices of  
      Reed Smith, LLP, Three Logan Square, 1717  
 16   Arch Street, Suite 3100, Philadelphia,  
      Pennsylvania 19103, beginning at 9:00  
 17   a.m., on the above date, before Amanda  
      Dee Maslynsky-Miller, a Certified  
 18   Realtime Reporter.

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                          GOLKOW LITIGATION SERVICES  
 23           877.370.3377 ph| 917.591.5672 fax  
                           deps@golkow.com

24

1           Q.     I think you said within the  
2     closed system, or something to that  
3     effect.

4           A.     I thought I said  
5     distribution channel.

6           Q.     We don't need to fight about  
7     what you said or didn't say.

8                     What I just want to know,  
9     your -- do you have an understanding  
10    about what the closed system is under The  
11    Controlled Substances Act?

12                    MR. NICHOLAS: Object to the  
13    form.

14                    THE WITNESS: The closed  
15    system, as I've heard it referred  
16    to, is that the DEA sets the  
17    quotas of how much product can be  
18    produced, then manufactured; those  
19    products are transferred to the  
20    distributor through ARCOS, which  
21    is maintained -- transferred to  
22    the distributor.

23                    And then the distributor  
24    transfers to the pharmacy or the

1 dispenser with an ARCOS  
2 transaction, which closes the  
3 distribution, as far as DEA  
4 tracking goes.

5 BY MR. PIFKO:

6 Q. So there are legitimate  
7 channels of distribution within that  
8 system, correct?

9 MR. NICHOLAS: Object to the  
10 form.

11 THE WITNESS: That is the --  
12 that is the legitimate  
13 distribution channel.

14 BY MR. PIFKO:

15 Q. Okay. And then there could  
16 be -- a channel of distribution outside  
17 of that system, that would be  
18 illegitimate, correct?

19 MR. NICHOLAS: Object to the  
20 form.

21 THE WITNESS: I can't say  
22 what type of other distribution.  
23 I can only comment on our  
24 distribution system.

1 BY MR. PIFKO:

2 Q. Well, you said that that's  
3 the legitimate one, the one you just  
4 described, correct?

5 A. That's the -- you asked me  
6 what the closed distribution was, and  
7 that's what the closed distribution is.

8 Q. And you understand that your  
9 duty to prevent diversion is to prevent  
10 applicable controlled substances from  
11 exiting that system?

12 MR. NICHOLAS: Object to the  
13 form.

14 THE WITNESS: Our  
15 responsibility is to ensure that  
16 we distribute FDA-approved drugs  
17 from the -- that we maintain in  
18 our distribution centers to  
19 licensed entities.

20 BY MR. PIFKO:

21 Q. And what do you mean by  
22 "licensed entities"?

23 A. Pharmacies, hospitals, DEA  
24 registrants and State Board of Pharmacy

1 registrants.

2 Q. And you understand that  
3 those registrants also have duties to  
4 maintain effective controls as well?

5 MR. NICHOLAS: Object to the  
6 form.

7 THE WITNESS: They have  
8 their own regulations that they  
9 must follow, correct.

10 BY MR. PIFKO:

11 Q. So the idea of preventing  
12 diversion is to prevent substances from  
13 getting into illegal hands, correct?

14 MR. NICHOLAS: Object to the  
15 form.

16 THE WITNESS: Each  
17 registrant has its  
18 responsibilities to maintain  
19 effective controls to prevent  
20 diversion. We maintain those  
21 within our registrant's capacity,  
22 correct.

23 BY MR. PIFKO:

24 Q. Can you give me an example

1           A.       Yes.

2           Q.       That's an attribute of your  
3       suspicious order monitoring system,  
4       correct?

5                   MR. NICHOLAS: Object to the  
6       form.

7                   THE WITNESS: You need to  
8       put it into context of time,  
9       because the program has been  
10      enhanced over the years.

11   BY MR. PIFKO:

12          Q.       Well, for the time period  
13      for which you're here to testify, which  
14      ends in 2014, at all times there's been  
15      some threshold requirement in the system,  
16      correct?

17          A.       Correct.

18          Q.       Can you tell me what a  
19      threshold is?

20                   MR. NICHOLAS: Object to the  
21      form.

22                   THE WITNESS: A threshold is  
23      the -- is a trigger that we have  
24      put into the program to create --

1 to identify an order of interest  
2 for further review.

3 BY MR. PIFKO:

4 Q. And so the threshold is the  
5 first step in the suspicious order  
6 monitoring program, correct?

7 MR. NICHOLAS: Object to the  
8 form.

9 THE WITNESS: It is a step.

10 BY MR. PIFKO:

11 Q. Is there a step before the  
12 threshold?

13 A. We train our employees at  
14 the distribution centers also to be aware  
15 of, and train them on suspicious orders.  
16 And if they identify a suspicious order,  
17 they're to report it.

18 Q. The threshold is a key  
19 factor that's used to identify  
20 potentially suspicious orders, correct?

21 MR. NICHOLAS: Object to the  
22 form.

23 THE WITNESS: It's an  
24 identifier that we use



1 sentence, you can read it.

2 But my question to you is,  
3 did AmerisourceBergen voluntarily take on  
4 certain activities with respect to  
5 controlling diversion that it didn't  
6 believe were in the statute?

7 MR. NICHOLAS: Object to the  
8 form.

9 THE WITNESS: No. We were  
10 just enhancing our program, as  
11 I -- as it has stated.

12 BY MR. PIFKO:

13 Q. But by enhancing your  
14 program, is it your position that you  
15 voluntarily undertook to engage in  
16 certain activities that you weren't  
17 required to do under the statute?

18 MR. NICHOLAS: Object to the  
19 form.

20 THE WITNESS: The  
21 regulations designed a program to  
22 identify and report suspicious  
23 orders. We had that in place. We  
24 still have it in place. We had it

1           in place before and after any  
2           enhancements.

3                   The enhancements were just  
4           done about how we identified --  
5           and how the process worked. We  
6           didn't -- a requirement never  
7           changed. And our program really  
8           never changed. Just some of the  
9           mechanisms, some of the data that  
10          we were receiving to provide, you  
11          know, more in-depth, line-of-sight  
12          when reviewing orders, those type  
13          of things, we continued to enhance  
14          our program.

15                   But the program itself of  
16          having a program to identify an  
17          order of interest, review the  
18          order, determine whether it's  
19          suspicious, and if we determined  
20          it's suspicious reporting it into  
21          the DEA, that's never changed.

22       BY MR. PIFKO:

23                   Q.       Why undertake voluntarily --  
24          voluntary enhancements, as you're talking